

1 ATKINSON, ANDELSON, LOYA, RUUD & ROMO  
2 A Professional Corporation  
3 Robert Fried, State Bar No. 85579  
4 Elizabeth P. Lind, State Bar No. 142309  
5 5776 Stoneridge Mall Road, Suite 200  
6 Pleasanton, CA 94588  
Telephone: (925) 227-9200  
Fax: (925) 227-9202  
Email: rfried@aallrr.com  
Attorneys for Defendants

7 Muriel B. Kaplan, State Bar No.124607  
8 Michele R. Stafford, State Bar No. 172509  
9 SALTZMAN & JOHNSON LAW CORPORATION  
10 120 Howard Street, Suite 520  
Telephone: 415-882-7900  
Fax: 415-882-9287  
Email: [mkaplan@sjlawcorp.com](mailto:mkaplan@sjlawcorp.com)  
11 mstafford@sjlawcorp.com  
Attorneys for Plaintiffs

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14

15 BOARDS OF TRUSTEES FOR THE  
16 OPERATING ENGINEERS HEALTH AND  
WELFARE TRUST FUND, et al.

17 Plaintiffs,

18 v.

19 MULDER CONSTRUCTION INC., et al.

20 Defendants.

Case No. 3:06cv4894 TEH

**JOINT CASE MANAGEMENT  
CONFERENCE STATEMENT**

DATE: September 29, 2008  
TIME: 1:30 p.m.  
CRTRM: 12, 19th Floor  
JUDGE: Hon. Thelton E. Henderson

21  
22 Plaintiffs and defendants in the above-titled action jointly submit this Case Management  
23 Conference statement, based on the following:

24 The parties have reached a settlement in this matter which is presently being effectuated.  
25 Defendant Mulder has withdrawn the balance of his annuity account held in a plaintiff trust, and  
26 paid that amount to the Plaintiff in partial satisfaction of the amounts due. The amount received  
27 by Defendant Mulder was less than anticipated due to taxes being withheld, therefore there  
28 remains an amount due to plaintiffs.

1 At the time of the last Case Management Conference, the parties were discussing how the  
2 remaining balance due was to be paid.

3 Since that time, the parties have drafted, and both approved, a Judgment Pursuant to  
4 Stipulation. Counsel for both parties sent it for signature to their respective clients. The parties  
5 anticipate that the Stipulation should be filed with the Court within the next 2 weeks.

6 The parties request that the Case Management Conference either be continued, or vacated  
7 with a deadline in which the Stipulated Judgment must be filed.

9 DATED: September 24, 2008

ATKINSON, ANDELSON, LOYA, RUUD &  
ROMO

/s/ Robert Fried

By: \_\_\_\_\_

ROBERT FRIED, ATTORNEYS FOR  
DEFENDANTS

14 DATED: September 24, 2008

SALTZMAN & JOHNSON LAW  
CORPORATION

/s/ Michele R. Stafford

By: \_\_\_\_\_

MICHELE R. STAFFORD, ATTORNEYS FOR  
PLAINTIFFS

19 IT IS SO ORDERED.

20 The Case Management Conference currently scheduled for September 29, 2008, is  
21 hereby continued to \_\_\_\_\_, at \_\_\_\_\_.

22 OR

23 The Case Management Conference currently scheduled for September 29, 2008, is  
24 hereby vacated pending settlement of the matter. A Stipulated Judgment must be filed with  
25 Court by \_\_\_\_\_, or the Case Management Conference will be  
26 rescheduled thereafter.

27 Dated: 09/24/08  
28 \_\_\_\_\_

